

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HENRY GABRYL YOUNG, JR.,

Defendant.

CR-23-68-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on July 12, 2024. (Doc. 47.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on July 11, 2024. (Doc. 42.) The United States accused Henry Youpee (Youpee) of violating his conditions of

supervised release by: (1) on June 7, 2024, being charged with the offense of Simple Assault, a misdemeanor, in violation of Fort Peck Tribal Code, Title VII, § 231; (2) on June 7, 2024, being charged with the offense of Protection of Government Officials, Employees, and Law Enforcement Officer, a felony, in violation of Fort Peck Tribal Code, Title VII § 422-A; (3) on June 7, 2024, being charged with Disorderly Conduct, a misdemeanor, in violation of Fort Peck Tribal Code, Title VII, § 440(a); (4) by consuming alcohol on June 7, 2024; (5) by failing to report to the probation office as instructed by missing his weekly check-in on April 23, 2024, April 30, 2024, May 21, 2024 and June 18, 2024; (6) by failing to notify his probation officer within 72 hours of his arrest on June 7, 2024 (7) by using methamphetamine on June 26, 2024; and (8) by consuming alcohol on June 26, 2024. (Docs. 38 and 41.)

At the revocation hearings, Youpee admitted to having violated the conditions of his supervised release (5) by failing to report to the probation office as instructed by missing his weekly check-in on April 23, 2024, April 30, 2024, May 21, 2024 and June 18, 2024; (6) by failing to notify his probation officer within 72 hours of his arrest on June 7, 2024; (7) by using methamphetamine on June 26, 2024 and (8) by consuming alcohol on June 26, 2024. Judge Johnston dismissed alleged violations 1-4 on the Government's motion. (Doc.42.)

Judge Johnston found that the violations Youpee admitted proves serious and warrants revocation of his supervised release and recommends a sentence until July 22, 2024, at 4:30 p.m. followed by 21 months of supervised release. With the first 60 days of Youpee's supervised release, spent in an in-patient substance abuse treatment facility such as Connections Corrections The violations prove serious and warrants revocation of Youpee's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 47.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Henry Gabryl Youpee, JR.be sentenced to a term of custody until July 22, 2024, at 4:30 p.m. followed by 21 months of supervised release. With the first 60 days of Youpee's supervised release, spent in an in-patient substance abuse treatment facility such as Connections Corrections .

DATED this 12th day of July, 2024.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court